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Attorneys for Defendants

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEVADA**

VIKKI RALEV,

Plaintiff,

v.

ADAM S. KUTNER, P.C. and ADAM S.  
KUTNER, individually,

Defendants.

Case No.

**NOTICE OF REMOVAL OF ACTION [28  
U.S.C. SECTION 1331]**

TO: VIKKI RALEV, Plaintiff; and

TO: DANIEL MARKS, ESQ, and MICHAEL J. BOGNAR, ESQ., her attorneys of record.

PLEASE TAKE NOTICE that Defendants ADAM S. KUTNER, P.C., and ADAM S.  
KUTNER., hereby removes to this Court the State Court action described below:

1. On or about October 26, 2006, an action was commenced in the District Court,  
Clark County, Nevada, entitled Vikki Ralev v. Adam S. Kutner, P.C. and Adam S. Kutner,  
individually, Case No. A 530513,

2. Defendants were served with a copy of said Complaint on or about November 1,  
2006.

3. This action is a civil action over which this Court has original jurisdiction under 28  
U.S.C. Section 1331, as Plaintiff's Complaint, County VI, states a claim for "Discrimination

1 Under 42 U.S.C. Section 2000(e). Accordingly, Plaintiff's Complaint may be removed to this  
2 Court.

3 4. This Court has supplemental jurisdiction over any non-federal claims.

4 5. Plaintiff's Complaint, attached hereto as Exhibit A is, to Defendants' knowledge,  
5 the only pleadings filed in this case to date.  
6

7 6. This notice is timely filed within thirty days of service.

8 7. Defendants have prepared and will this day file with the clerk of the Eighth  
9 Judicial District Court a copy of this Notice.

10 Dated: November 21 2006

Parsons Behle & Latimer

11 By:   
12

13 Robert L. Rosenthal  
14 Shelley L. Lanzkowsky  
15 411 E. Bonneville, Suite 300  
16 Las Vegas, Nevada 89101  
17 Attorneys for Defendants  
18  
19  
20  
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22  
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28

**PROOF OF SERVICE**

I, Barbara Dunn, declare:

I am a citizen of the United States and employed in Clark County, Nevada. I am over the age of eighteen years and not a party to the within-entitled action. My business address is 411 E. Bonneville Avenue, Suite 300, Las Vegas, Nevada 89101. On November 21, 2006, I served a copy of the within document(s):

**NOTICE OF REMOVAL OF ACTION [28 U.S.C. SECTION 1331]**

- ☐ by transmitting via facsimile the document(s) listed above to the fax number(s) set forth below on this date before 5:00 p.m.
- ☒ by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at Las Vegas, Nevada addressed as set forth below.
- ☐ by placing the document(s) listed above in a sealed \_\_\_\_\_ envelope and affixing a pre-paid air bill, and causing the envelope to be delivered to a \_\_\_\_\_ agent for delivery.
- ☐ by personally delivering the document(s) listed above to the person(s) at the address(es) set forth below.

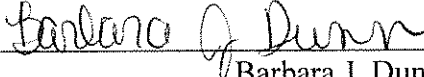
Daniel Marks, Esq.  
LAW OFFICE OF DANIEL MARKS  
302 E. Carson, Suite 702  
Las Vegas, NV 89101

Michael J. Bogнар, Esq.  
HABBAS, BOGNAR & ASSOC.  
528 S. Casino Center Blvd., 3<sup>rd</sup> Floor  
Las Vegas, NV 89101

I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid in the ordinary course of business.

I declare under penalty of perjury under the laws of the State of Nevada that the above is true and correct.

Executed on November 21, 2006, at Las Vegas, Nevada.

  
Barbara J. Dunn

**EXHIBIT A**

1 COMP  
 2 LAW OFFICE OF DANIEL MARKS  
 3 DANIEL MARKS, ESQ.  
 Nevada State Bar No. 002003  
 302 East Carson, Suite 702  
 Las Vegas, Nevada 89101  
 (702) 386-0536 - FAX: (702) 386-6812  
 Co-Counsel for Plaintiff

-and-

5 HABBAS, BOGNAR & ASSOCIATES, P.C.  
 6 Michael J. Bognar, Esq.  
 Nevada State Bar No. 008966  
 528 South Casino Center Blvd., 3<sup>rd</sup> Floor  
 Las Vegas, Nevada 89101  
 Co-Counsel for Plaintiff

FILED  
 OCT 26 10 35 AM '06  
*Shirley S. Bognar*  
 CLERK

9 DISTRICT COURT  
 10 CLARK COUNTY, NEVADA

A530513

11 VIKKI RALEV,

12 Plaintiff,

Case No.  
 Dept. No.

13 vs.

14 ADAM S. KUTNER, P.C. and  
 15 ADAM S. KUTNER, individually,

ARBITRATION EXEMPT  
 INJUNCTIVE & DECLARATORY  
 RELIEF REQUESTED

16 Defendants.

17  
 18 COMPLAINT

19 COMES NOW the Plaintiff Vikki Ralev, by and through her counsel, Daniel Marks, Esq., of the  
 20 Law Office of Daniel Marks, and Michael J. Bognar, Esq., of the law firm Habbas, Bognar & Associates,  
 21 P.C., and for her cause of action against the Defendants herein alleges as follows:

- 22 1. That at all times material hereto, Plaintiff Vikki Ralev, was a resident of Clark County,
- 23 Nevada.
- 24 2. That at all times material hereto, Adam S. Kutner, P.C. was and is professional corporation
- 25 duly organized, existing and qualified to do business under the laws of the State of Nevada.
- 26 3. That at all times material hereto, Adam S. Kutner, was a resident of Clark County, Nevada.

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**COUNT I**

**(Breach of Contract)**

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- 2
- 3
4. Plaintiff restates the allegations of Paragraphs 1 through 3 and incorporates them herein by  
4 reference.
- 5
5. That Plaintiff was hired by the Defendant corporation on January 23, 2004 as a legal  
6 assistant.
- 6
6. That as a part of Plaintiff's compensation package, she was employed with a \$75,000.00  
7 per year salary with a guaranteed bonus and other bonuses based upon her productivity,  
8 including settlement bonuses due to potential settlements of Viox and other major  
9 litigation. Plaintiff was promised she would not be terminated except for cause.
- 10
7. That during the Plaintiff's employment, she performed satisfactorily under all reasonable  
11 rules and regulations set forth by the Defendant corporation.
- 12
8. That beginning in approximately May of 2005, the Plaintiff was subjected to a hostile work  
13 environment that included humiliating, embarrassing and inhumane treatment which  
14 necessitated her departure by constructive termination on August 10, 2005.
- 15
9. That based on the breach of Plaintiff's contract, Plaintiff has lost back pay, front pay,  
16 including future bonuses in an amount in excess of \$10,000.00.
- 17

**COUNT II**

**(Assault and Battery)**

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- 19
- 20
10. Plaintiff restates the allegations of Paragraphs 1 through 9 and incorporates them herein by  
21 reference.
- 22
11. That in or about December of 2004, and at other times in 2005, Defendant Adam S. Kutner,  
23 acting in the course and scope of his employment with Adam S. Kutner, P.C., did  
24 physically assault and batter said Plaintiff by throwing telephone headsets at her, assaulting  
25 her with golf clubs, etc. Said assault and battery occurred in Clark County, Nevada, and  
26 has caused damages in an amount in excess of \$10,000.00.

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**COUNT III**

**(False Imprisonment)**

12. Plaintiff restates the allegations of Paragraphs 1 through 11 and incorporates them herein by reference.
13. That on or about May 29, 2005 Defendant individually, and in the course and scope of his employment with the Defendant corporation, did physically prevent Plaintiff from leaving a room in the law office of Adam S. Kutner, P.C. located in Clark County, Nevada.
14. That Plaintiff's freedom to movement was so constrained that it constituted common law false imprisonment under the laws of the State of Nevada.
15. That because of said false imprisonment, Plaintiff has been damaged in an amount in excess of \$10,000.00.

**COUNT IV**

**(Intentional Infliction of Emotional Distress)**

16. Plaintiff restates the allegations of Paragraphs 1 through 15 and incorporates them herein by reference.
17. That the Defendant individually, and in the course and scope of his employment with the Defendant corporation, did make comments to Plaintiff by calling her a fucking dumb ass, referred to women as stupid, commenting on physical body parts of women, making her watch himself groom himself and talk about his sexual conquests.
18. That said comments were made to humiliate and embarrass Plaintiff and constituted intentional infliction of emotional distress.
19. That because of said comments, Plaintiff has been damaged in an amount in excess of \$10,000.00.

**COUNT V**

**(Negligent Infliction of Emotional Distress)**

20. Plaintiff restates the allegations of Paragraphs 1 through 19 and incorporates them herein by reference.

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- 1       21. That the Defendant individually, and in the course and scope of his employment with the  
2 Defendant corporation, did make comments to Plaintiff by calling her a fucking dumb ass,  
3 referring to women as stupid, commenting on physical body parts of women, making her  
4 watch himself groom himself and talk about his sexual conquests.
- 5       22. That said comments were done negligently and constitute negligent infliction of emotional  
6 distress.
- 7       23. That because of said comments, Plaintiff has been damaged in an amount in excess of  
8 \$10,000.00.

9                                   **COUNT VI**

10                   **(Discrimination Under 42 U.S.C. § 2000(e) and NRS Chapter 613)**

- 11       24. Plaintiff restates the allegations of Paragraphs 1 through 23 and incorporates them herein  
12 by reference.
- 13       25. That beginning in approximately May of 2005 through the end of Plaintiff's employment  
14 in August of 2005 with the Defendant corporation, the Plaintiff was subjected to a severe  
15 and hostile work environment on the basis of her gender and sex, in having to listen to  
16 comments regarding Defendant's sexual conquests, comments on female body parts and  
17 their sizes, and other sexual matters.
- 18       26. That said comments were severe and pervasive and occurred on a frequent basis.
- 19       27. That said comments constituted discrimination under 42 U.S.C. § 2000(e), NRS 613, et al.
- 20       28. That Plaintiff constructively terminated her employment on or about August 10, 2005  
21 because of said actions by the Defendant corporation.
- 22       29. That Plaintiff complied with all statutory and/or administrative prerequisites for filing this  
23 action, and has requested and obtained a right to sue letter from the Equal Employment  
24 Opportunity Commission, and has filed this action within ninety (90) days of receipt of her  
25 right to sue letter.
- 26       30. That Plaintiff is entitled to back pay, front pay, compensatory damages.
- 27       31. That the actions of the Defendants were done with actual malice, fraud and oppression and  
28 Plaintiff is entitled to punitive damages under 42 U.S.C. § 2000(e), et al. and her common



1 law claims set forth in Counts II, III and IV herein.

2 32. That as a direct and proximate result of the Defendants' actions and/or conduct, the  
3 Plaintiff is entitled to an award attorney's fees.

4 **COUNT VII**

5 **(Injunctive Relief)**

6 33. Plaintiff restates the allegations of Paragraphs 1 through 32 and incorporates them herein  
7 by reference.

8 34. That as a direct and proximate result of the Defendants' actions, the Plaintiff seeks  
9 injunctive and declaratory relief, to enjoin the Defendant from continuing to practice  
10 discrimination in the workplace and for a declaration of her rights.

11 WHEREFORE, Plaintiff prays for judgment against the Defendants as follows:

- 12 1. For back pay in an amount in excess of \$10,000.00;
- 13 2. For front pay, including future bonuses in an amount in excess of \$10,000.00;
- 14 3. For compensatory damages in an amount in excess of \$10,000.00;
- 15 4. For punitive damages in an amount in excess of \$10,000.00;
- 16 5. For injunctive relief enjoining the Defendant from continuing to practice discrimination in  
17 the workplace;
- 18 6. For attorney's fees and litigation costs incurred;
- 19 7. For pre-judgment interest and post-judgment interest;

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- 1 8. For such other and further equitable relief, including injunctive relief, as the Court deems  
2 just and proper.

3 DATED this 25 day October 2006

LAW OFFICE OF DANIEL MARKS

  
DANIEL MARKS, ESQ.

Nevada State Bar No. 002003

302 East Carson Avenue, Suite 702

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Co-Counsel for Respondent

-and-

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MICHAEL J. BOGNAR, ESQ.

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Co-Counsel for Plaintiff